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EXAMINER	
BROOKS, SHANNON	
ART UNIT	**PAPER NUMBER**
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/509,008	SORVARI ET AL.	
	Examiner	Art Unit	
	Shannon R. Brooks	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/24/04 and 10/25/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, 17-22, 25-30, and 32 are rejected under U.S.C. 102(b) as being anticipated by Averbuch et al. (US 5689825).

Consider **Claim 1**, Averbuch et al. teach a method for determining a time of execution for tasks to be performed by a mobile wireless communications terminal (101) **(Col. 4, lines 30-39)**, wherein said method comprises the steps of receiving in the mobile terminal (101) instructions (301) to perform one or more tasks that can be executed with a delay **(read as at a later time)** (302) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)**, storing said instructions in a queue **(read as an ordered blocks)(Col. 5, lines 39-67)**, checking (303) in said terminal (101) whether said terminal (101) is coupled to a charging device (102) **(Fig. 4, Block 400)**, executing said tasks upon recognizing an electrical connection between said mobile terminal (101) and said charging device (102) **(Fig. 4, Block 400** wherein said execution is postponed to a later point in time **(read as time of execution based on priority indication, link activity, usage profile, and software size)(Col. 5, lines 1-55) and (read as execution delayed until placed in charger)(Col. 4, lines 49-53)**.

Consider **Claim 2**, Averbuch et al. teach a method according to claim 1, wherein the step of receiving instructions includes receiving instructions from the user via the user interface (202) of said mobile terminal (101) **(read as start process by coupling portable to charger) (Fig. 4, START Block and Block 400).**

Consider **Claim 3**, Averbuch et al. teach a method according to claim 1, wherein the step of receiving instructions includes receiving instructions generated internally in said mobile terminal (101) triggered by a maintenance or update process **(read as priority indication)(Col. 5, lines 1-12)**.

Consider **Claim 4**, Averbuch et al. teach a method according to claim 1, wherein the method further includes the steps of transferring at least part of the data to be processed in said instructions to said charging device (102) for storage (209), and retrieving said data during said step of executing said tasks **(Col. 2, lines 11-36).**

Consider **Claim 5,** Averbuch et al. teach a method according to claim 1, wherein the method further includes the steps of transferring at least part of the data to be processed in said instructions to said charging device (102) for storage (209) and processing (210), and retrieving processed data from said charging device (102) during said step of executing said tasks **(Col. 2, lines 11-36).**

Consider **Claim 6**, Averbuch et al. teach a method for determining the time of execution for tasks to be performed by a mobile wireless communications terminal (101) **(Col. 4, lines 30-39)**, wherein said method comprises the steps of studying under a period of time the battery charging routines of the user **(read as activity detector used to create usage profile)(Col. 4, lines 36-39)**, calculating time intervals (401) with a high likelihood that said mobile terminal (101) is

being connected to the charger (102) **(read as connection detection)(Fig. 4, Block 400)**, receiving in the mobile terminal instructions to perform one or more tasks that can be executed with a delay (402) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67**, storing the instructions in a queue **(read as an ordered blocks)(Col. 5, lines 39-67)**, executing said tasks upon entering one of said calculated time intervals (403) wherein said execution is postponed to a later point in time **(read as time of execution based on priority indication, link activity, usage profile, and software size)(Col. 5, lines 1-55) and (read as execution delayed until placed in charger)(Col. 4, lines 49-53)**.

Consider **Claim 7**, Averbuch et al. teach a method according to claim 6, wherein the step of receiving instructions include receiving instructions from the user via the user interface (202) of said mobile terminal (101**(read as start process by coupling portable to charger) (Fig. 4, START Block and Block 400)**.

Consider **Claim 8**, Averbuch et al. teach a method according to claim 6, wherein the step of receiving instructions includes receiving instructions generated internally in said mobile terminal (101) triggered by a maintenance or update process **(read as mobile sets flag to allow software upgrade)(Col. 4, lines 54-67 and Col. 5, lines 1-12).**

Consider **Claim 9**, Averbuch et al. teach a method according to claim 6, wherein the step of executing said tasks in said time interval is made using a connection speed and/or communications channel providing at least the minimum accepted Quality of Service (QoS) at the lowest possible cost **(Col. 5, lines 23-25).**

Consider **Claim 10**, Averbuch et al. teach a method according to claim 6, wherein the step of

executing said tasks in said time intervals involves an additional step of checking if the mobile terminal (101) is coupled to a battery charging device (102) **(Fig. 4, Block 400)**, and concluding according to a predetermined set of rules whether to start executing any queued tasks or not **(read as detect flag)(Fig. 4, Block 402)**.

Consider **Claim 11**, Averbuch et al. teach a method for determining the time of execution for tasks to be performed by a mobile wireless communications terminal (101) **(Col. 4, lines 30-39**, wherein said method comprises the steps of studying under a period of time the battery charging routines of the user **(read as activity detector used to create usage profile)(Col. 4, lines 36-39**, calculating time intervals (501) with a high likelihood said mobile terminal (101) being connected to the charger (102) **(read as connection detection)(Fig. 4, Block 400)**, receiving in the mobile terminal instructions to perform one or more tasks that can be executed with a delay (502) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67**, storing the instructions in a queue **(read as an ordered blocks)(Col. 5, lines 39-67)** to be executed during said time interval (503) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)**, checking (504) in the mobile terminal (101) whether said mobile terminal is coupled to a charging device (102) upon entering said time interval **(Fig. 4, Block 400)**, executing said tasks if that is the case **(Fig. 4, Blocks 402-420)**; deferring the execution of said tasks in said time interval, if the mobile terminal (101) is not coupled to a charging device (102) **(read as flag is not detected)(Fig. 4, Block 402)**, until one of the following conditions applies (505), whichever occurs first: the mobile terminal (101) is connected to a charging device (102); the maximum time limit for postponing the execution of

said tasks is approaching; the level of battery power available is approaching a limit putting execution of at least part of said postponed tasks at risk wherein said execution is postponed to a later point in time (read as mobile is connected) **(Fig. 4, Block 400)**.

Consider **Claim 12**, Averbuch et al. teach a mobile wireless communications terminal (101) capable of wireless speech and data communication over an air interface (204) **(Col. 2, lines 37-55)**, said terminal (101) including processing means for processing tasks **(Fig. 2, Block 204)** and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(lines 21-32)**, said terminal (101) including memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Blocks 206, and 208)** , characterized in that said terminal (101) is arranged to store received instructions for **delayable (read as can be carried out at a time later than the present)** tasks in a queue located in the memory (201) **(read as an ordered blocks)(Col. 5, lines 39-67)** , wait until coupled to a charging device (102) and then execute said tasks **(Fig. 4, Block 400)**.

Consider **Claim 13**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, characterized wherein at least part of the stored instructions for delayable tasks **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)** are originally received from the user via the user interface (202) of said terminal **(read as start software upgrade process by coupling portable to charger) (Fig. 4, START Block and Block 400).**

Consider **Claim 14**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, characterized wherein at least part of the stored instructions for delayable tasks **(read as transfer of software update blocks based on usage history while battery is**

charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67) are generated by an internal maintenance or update process (201) of said terminal (101) **(read as software update of mobile)(Col. 2, Blocks 11-36).**

Consider **Claim 17**, Averbuch et al. teach. a mobile wireless communications terminal (101) capable of wireless speech and data communication over an air interface (204) **Col. 2, lines 37-54)**, said terminal including processing means for processing tasks **(Fig. 2, Block 204)** and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(lines 21-32)**, memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Blocks 206, and 208)**, characterized in that said processing means (203) of said terminal (101) are arranged to study under a period of time the battery charging routines of the user**(read as activity detector used to create usage profile)(Col. 4, lines 36-39)**, calculate the time intervals with a high likelihood that said terminal (101) is being connected to the charger (102)) **(read as connection detection)(Fig. 4, Block 400)** and execute the instructions stored in the memory (201) to perform one or more delayable tasks **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)** upon entering one of said calculated time intervals **(read as time of execution based on priority indication, link activity, usage profile, and software size)(Col. 5, lines 1-55)**.

Consider **Claim 18**, Averbuch et al. teach a mobile wireless communications terminal according to claim 17, characterized in that said processing means (203) are arranged to execute said tasks in said time interval using a connection speed and/or communications channel providing at least the minimum accepted Quality of Service (QoS) at the lowest possible cost **(Col. 5, lines 23-25)**.

Consider **Claim 19**, Averbuch et al. teach a mobile wireless communications terminal according

to claim 17, characterized in that said processing means (203) are arranged to check during said execution phase if said mobile terminal (101) is coupled to a battery charging device (102) **(Fig. 4, Block 400)**, and conclude according to a predetermined set of rules whether to start executing any queued task **(read as an ordered blocks)(Col. 5, lines 39-67** or not **(read as detect flag)(Fig. 4, Block 402)**.

Consider **Claim 20**, Averbuch et al. teach a mobile wireless communications terminal according to claim 18, characterized in that it is arranged to communicate with the service provider **(read as software updater)** and/or network carrier for enabling the utilization of favourable traffic conditions and transfer costs **(Col. 5, lines 13-27).**

Consider **Claim 21**, Averbuch et al. teach a mobile wireless communications terminal (101) capable of wireless speech and data communication over an air interface (204) **(Col. 2, lines 37-55)**, said terminal including processing means for processing tasks **(Fig. 2, Block 204)** and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(lines 21-32)**, memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Blocks 206, and 208)**, characterized in that said terminal (101) is arranged to study under a period of time the battery charging routines of the user **(read as activity detector used to create usage profile)(Col. 4, lines 36-39**, calculate time intervals with a high likelihood the mobile terminal (101) being connected to the charger (102) **(read as connection detection)(Fig. 4, Block 400)**, receive in the mobile terminal (101) instructions to perform one or more tasks that can be executed with a delay **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)**, store the instructions in a queue (201) **(read as an ordered blocks)(Col. 5, lines 39-67)** located in the

memory (201) , check in said terminal whether it is coupled to a charging device (102) **(Fig. 4, Block 400)** , execute said tasks if that is the case or defer the execution of said tasks in said time interval), if the mobile terminal (101) is not coupled to a charging device (102) **(Fig. 4, Blocks 402-420**, until one of the following conditions applies, whichever occurs first: the mobile terminal (101) is connected to a charging device (102); the maximum time limit for postponing the execution of said tasks is approaching; the level of battery power available is approaching a limit putting execution of at least part of said postponed tasks at risk **(read as mobile is connected)(Fig. 4, Block 400)**.

Consider **Claim 22**, Averbuch et al. teach a mobile wireless communications terminal according to claim 12, characterized in that it is substantially an UMTS terminal **(read as comparable to) (Fig. 2 and Col. 2, lines 49-55)**.

Consider **Claim 25**, Averbuch et al. teach a charging device according to claim 24, characterized in that it comprises processing means (210) for the task execution on behalf of said terminal (101)**(read as analyzer)(Fig. 1, Block 12)**.

Consider **Claim 26**, Averbuch et al. teach a process for delayed execution of tasks **(read as optimum times)(Col. 4, lines 30-39)** in a mobile wireless communications terminal (101) capable of wireless speech and data **(read as any type)** communication over an air interface (204) **(Col. 2, lines 37-55)**, said terminal including processing means for processing tasks **(Fig. 2, Block 204**)and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(lines 21-32)**, said terminal including memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Blocks 206, and 208)**, characterized in that said process comprises the steps wherein said mobile terminal (101) receives at least one

instruction to perform a task (301) **(read as mobile sets flag to allow software upgrade)(Col. 4, lines 54-67 and Col. 5, lines 1-12).**

, said terminal (101) identifies the task as a delayable background task (302) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)** , said terminal (101) stores the data related to the execution of delayable task in a queue located in the memory (201) **(read as an ordered blocks)(Col. 5, lines 39-67** , said terminal (101) executes said task (303) using the processing means (203) of said terminal (101) upon recognizing a connection between the battery (205) of said terminal (101) and the power source (207) of a charging device (102) **(Fig. 4, Block 400)** wherein execution of said task is delayed **(read as time of execution based on priority indication, link activity, usage profile, and software size)(Col. 5, lines 1-55) and (read as execution delayed until placed in charger)(Col. 4, lines 49-53).**

Consider **Claim 27**, Averbuch et al. teach a process according to claim 26, characterized in that said received instructions for delayable tasks **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)** are received from the user via the user interface (202) of said terminal (101) **(read as start software upgrade process by coupling portable to charger) (Fig. 4, START Block and Block 400).**

Consider **Claim 28**, Averbuch et al. teach a process according to claim 26, characterized in that said received instructions for delayable tasks are generated internally in said mobile terminal (101), triggered by a maintenance or update process stored in the memory (201) and executed in the processing unit (203) **(read as mobile sets flag to allow software upgrade)(Col. 4, lines 54-**

67 and Col. 5, lines 1-12).

Consider **Claim 29**, Averbuch et al. teach a process according to claim 26, characterized in that the information for said identification of delayable tasks **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)** is included in said received instructions **(Col. 2, lines 65-67 and Col. 3, lines 1-12).**

Consider **Claim 30**, Averbuch et al. teach a process according to claim 26, characterized in that the information for said identification of delayable tasks **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67** is found from a predetermined list of task urgencies stored in the memory of said terminal (201) **(read as priority indication)(Col. 5, lines 1-12)**.

Consider **Claim 32**, Averbuch et al. teach a process according to claim 31, characterized in that said terminal (101) checks during said time interval and prior to said task execution if said terminal (101) is coupled to a charging device (102) **(Fig. 4, Block 400)**, and decides according to a predetermined set of rules whether to start executing said tasks or not **(read as whether or not flag has been detected)(Fig. 4, Block 402).**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-16, 23-24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch et al. (US 5689825) in view of Cannon et al. (US 6792297 B2).

Consider Claim 15, Averbuch et al. teach a mobile wireless communications terminal (101) capable of wireless speech and data communication over an air interface (204), said terminal including processing means for processing tasks (Fig. 2, Block 204) and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(lines 21-32)**, memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Block 206)**, data transmission means (206) for data connection between said terminal (101) and said charging

device (102) **(Fig. 2, Blocks 204, 208, and 210)**, except that it does not teach characterized in that said terminal (101) is arranged to transfer at least part of the data to be processed in said instructions to said charging device (102) for storage (209), and arranged to retrieve said stored data during said task execution.

However, Cannon et al. teach characterized in that said terminal (101) is arranged to transfer at least part of the data to be processed in said instructions to said charging device (102) for storage (209), and arranged to retrieve said stored data during said task execution **(Col. 3, lines 58-67).** Therefore it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Cannon into Averbuch to facilitate the transfer of battery capacity info **(Col. 3, lines 58-67).**

Consider Claim 16, Averbuch et al. teach a mobile wireless communication terminal except that it does not teach a mobile wireless communication terminal characterized in that it is arranged to transfer at least part of the data to be processed in said instructions to said charging device (102) for processing (210), and arranged to retrieve processed data during said task execution.

However Cannon et al. teach a mobile wireless communication terminal characterized in that it is arranged to transfer at least part of the data to be processed in said instructions to said charging device (102) for processing (210)**(battery capacity information)(Col. 4, lines 12-22)**, and arranged to retrieve processed data during said task execution **(alert information)(Col. 4, lines 23-43).**

Consider Claim 23, Averbuch et al. teach a charging device (102) capable of charging the battery (205) of a mobile wireless communications terminal (101), except that it does not teach said charging device (102) including data transmission means (208) for a two-way data connection

between said charging device (102) and a mobile wireless communications terminal (101), said charging device (102) including memory means for storing data (209), characterized in that said charging device (102) is arranged to store at least part of the data to be processed in the instructions associated with tasks to be executed by said terminal (101), and arranged to return said stored data to said mobile terminal (101) when requested by said terminal (101).

However Cannon teaches said charging device (102) including data transmission means (208) for a two-way data connection between said charging device (102) and a mobile wireless communications terminal (101) **(Fig. 1, Blocks 11, 20, and 31)**, said charging device (102) including memory means for storing data (209) **(read as analyzer)(Col. 3, lines 58-67)**, characterized in that said charging device (102) is arranged to store at least part of the data to be processed in the instructions associated with tasks to be executed by said terminal (101) **)(battery capacity information)(Col. 4, lines 12-22**, and arranged to return said stored data to said mobile terminal (101) when requested by said terminal (101) **(alert information)(Col. 4, lines 23-43).**

Therefore it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Cannon into Averbuch to facilitate the transfer of battery capacity info **(Col. 3, lines 58-67)** and reception of alert information to warn users of energy levels **(Col. 4, lines 23-43).**

Consider Claim 24, Averbuch et al. teach a charging device (102) capable of charging the battery (205) of a mobile wireless communications terminal (101), except that it does not teach said charging device (102) including data transmission means (208) for a two-way data connection between said charging device (102) and a mobile wireless communications terminal (101), said

charging device (102) including memory means for storing data (209), characterized in that said charging device (102) comprises processing means (210) for the task execution sharing between said terminal (101) and said charging device (102).

However Cannon teaches said charging device (102) including data transmission means (208) for a two-way data connection between said charging device (102) and a mobile wireless communications terminal (101) **(Fig. 1, Blocks 11, 20, and 31)**, said charging device (102) including memory means for storing data (209) **(read as analyzer)(Col. 3, lines 58-67)**, characterized in that said charging device (102) comprises processing means (210) for the task execution sharing between said terminal (101) and said charging device (102)(read as transfer of battery information**(Col. 4, lines 12-22** and the reception of alert information to warn users of energy levels **(Col. 4, lines 23-43).**

Therefore it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Cannon into Averbuch to facilitate the transfer of battery capacity info **(Col. 3, lines 58-67)** and reception of alert information to warn users of energy levels **(Col. 4, lines 23-43).**

Consider **Claim 31**, Averbuch et al teach a process for execution of tasks in a mobile wireless communications terminal (101) capable of wireless speech and data communication over an air interface (204) **(read as any type) (Col. 2, lines 37-55)**, said terminal including processing means for processing tasks **(Fig. 2, Block 204)** and timing means for performing timed execution of said tasks (203) **(read as microprocessor)(Col. 3, lines 12-19)**, said terminal including memory means for storing instructions and data associated with each such task (201) **(Fig. 2, Block 206)**, characterized in that said process comprises the steps wherein said mobile terminal

(101) receives at least one instruction to perform a task (401) **(read as mobile sets flag to allow software upgrade)(Col. 4, lines 54-67 and Col. 5, lines 1-12)**, said terminal (101) identifies the task as a delayable background task (402) **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67)**, said terminal (101) executes said task using the processing unit (203) upon entering the precalculated time interval (403) based on studying the battery charging routines of the user during which said terminal (101) is being connected to a charging device (102) wherein execution of said task is delayed **(read as transfer of software update blocks based on usage history while battery is charging) (Col. 4, lines 44-67 and Col. 5, lines 1-67** , except that it does not teach said terminal (101) stores the data related to the execution of delayable task in a queue located in the memory (201) . However Cannon teaches said terminal (101) stores the data related to the execution of delayable task in a queue (time ordered) located in the memory **(read as time ordered battery capacity information)(Col. 4, lines 1-12).**

Therefore it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Cannon into Averbuch to facilitate the transfer of battery capacity info **(Col. 3, lines 58-67)** and reception of alert information to warn users of energy levels **(Col. 4, lines 23-43).**

Conclusion

3. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115.

The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nick Corsaro

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600